

appreciate Examiner Rosenberg's willingness to discuss the series of cases and appreciate his facility with the outstanding issues in all of them<sup>1</sup>.

In this case, Applicants have, as agreed, amended the above-identified application to remove the phrase "anode furnaces" and replace it with "blister copper refining furnaces". While "anode furnace" is a term of art and is known to those of ordinary skill, this change makes it clear that the furnace in question is used to produce more pure copper from blister copper and addresses the concerns set out at page 2 of the Official Action.

Attached hereto is a Terminal Disclaimer over parent U.S. 5,217,527 and copending application 08/056,780. This parent patent and copending application are directed to processes for copper smelting of different scope than the claims of the present application. Accordingly, a Terminal Disclaimer over this patent and application is proper.

As discussed and agreed during the interview, Applicants have not submitted a Terminal Disclaimer in the present process application over copending and issued apparatus cases (U.S. 5,205,859, U.S.S.N. 08/040,999, 08/031,191 and 08/143,118 (the process claims in 08/143,118 have been cancelled)). This is because the apparatus and process claims

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<sup>1</sup>As agreed, attached hereto are Hayward and Themelis cited in copending Moto Goto et al application 08/143,118. Applicants request that these references be made of record and that the IDS filed October 25, 1993 be initialed.

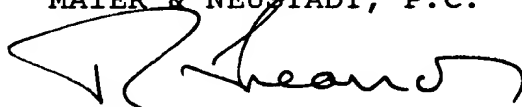
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of the present series of related applications are patentably distinct, as evidenced by the Restriction Requirement in copending application 08/143,118 separating the process claims from the apparatus claims. Accordingly, Applicants submit that the attached Terminal Disclaimer addresses all outstanding issues with regard to obviousness-type double patenting in this related series of cases.

In view of the above amendments, remarks, the agreements reached during the interview and the attached Terminal Disclaimer Applicants submit that the present application is in condition for allowance. An early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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